

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AUSTIN WILLIAMS

and

ALEXANDRA GENE DAVIS,

Plaintiffs,

v.

CITY OF COLUMBUS, et. al,

Defendants.

Case No. 2:22-cv-1831

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson

ANSWER TO COMPLAINT

Now come Defendants City of Columbus, Thomas Quinlan, (FNU) Davis, and John and Jane Does Nos. 1-15 (the “City Defendants”), by and through their assigned counsel, and for their Answer to Plaintiffs’ Complaint, make the following admissions, denials, statements and affirmative defenses:

Response to Plaintiffs’ Preliminary Statement

1. In response to Paragraph 1 of the Complaint, Defendants note that, on September 16, 2020, Plaintiffs in the case captioned *Tamara K. Alsaada, et al v. The City of Columbus, et al*, United States District Court for the Southern District of Ohio Eastern Division, Case No. 2:20cv3431 filed a First Amended Complaint in the same case. 2:20cv3431, AM. COMPL. (R.2, #83-200). Defendants to that matter answered said Amended Complaint on November 4, 2020. 2:20cv3431, ANSWER AM. COMPL. (R.4, #209-286). These Defendants hereby incorporate that Answer to the Amended Complaint, filed with this Court, as if fully rewritten herein.

Response to Jurisdiction and Venue

2. In response to Paragraph 2 of the Complaint, Defendants admit that this Court has jurisdiction over this matter. Defendants deny any remaining allegations contained in Paragraph 2.
3. Paragraph 3 of the Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny any allegations contained in Paragraph 3.
4. Paragraph 4 of the Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny any allegations contained in Paragraph 4.
5. Paragraph 5 of the Complaint contains legal conclusions to which no response is required. To the extent that a response is required, Defendants deny any allegations contained in Paragraph 5.
6. In response to Paragraph 6 of the Complaint, Defendants admit that this Court is the proper venue for this matter. Defendants deny any remaining allegations in Paragraph 6.

Response to Parties

7. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 7 of the Complaint.
8. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 8 of the Complaint.
9. In response to Paragraph 9 of the Complaint, Defendants admit that the City of Columbus is a political subdivision in the state of Ohio consistent with Chapter 2744 of the Ohio Revised Code. Defendants deny any remaining allegations contained in Paragraph 9.

10. In response to Paragraph 10 of the Complaint, Defendants admit that Former Chief Thomas Quinlan was employed by the City of Columbus at all times material to this Complaint. Defendants deny any remaining allegations contained in Paragraph 10.
11. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.
12. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

Response to Facts

13. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.
14. In response to Paragraph 14 of the Complaint, Defendants admit that Plaintiffs Davis and Williams were present on the corner of High Street and Broad Street at some point on June 29, 2020. Defendants lack sufficient knowledge or information to form a belief about the truthfulness of the remaining allegations contained in Paragraph 14.
15. Defendants deny the allegations contained in Paragraph 15 of the Complaint.
16. In response to Paragraph 16 of the Complaint, Defendants admit that Plaintiff Davis spit on a City of Columbus law enforcement officer. Defendants deny the remaining allegations contained in Paragraph 16.
17. In response to Paragraph 17, Defendants admit that Plaintiff did spit while seated on the ground. Defendants deny the remaining allegations contained in Paragraph 17 of the Complaint.
18. Defendants lack knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 18 of the Complaint.

19. Defendants deny the allegations Contained in Paragraph 19 of the Complaint.
20. In response to Paragraph 20 of the Complaint, Defendants admit that Plaintiff Davis was placed in handcuffs on June 29, 2020. Defendants deny the remaining allegations contained in Paragraph 20.
21. Defendants deny the allegations contained in Paragraph 21 of the Complaint.
22. Defendants deny the allegations contained in Paragraph 22 of the Complaint.
23. In response to Paragraph 23 of the Complaint, Defendants admit that Plaintiff Davis was examined by a medic on June 29, 2020. Defendants deny any remaining allegations contained in Paragraph 23.
24. Defendants deny the allegations contained in Paragraph 24 of the Complaint.
25. In response to Paragraph 25 of the Complaint, Defendants admit that Plaintiff Davis is on camera spitting on a City of Columbus law enforcement officer. Defendants deny any remaining allegations contained in Paragraph 25.
26. Defendants admit the allegations contained in Paragraph 26 of the Complaint.
27. In response to Paragraph 27 of the Complaint, Defendants admit that Plaintiff Williams was charged with resisting arrest, a misdemeanor of the second degree. Defendants deny the remaining allegations contained in Paragraph 27.
28. Defendants admit the allegations contained in Paragraph 28 of the Complaint.
29. Defendants lack knowledge or information sufficient enough to form a belief as to the truthfulness of the allegations contained in Paragraph 29 of the Complaint.
30. Defendants deny the allegations contained in Paragraph 30 of the Complaint.
31. Defendants admit the allegations contained in Paragraph 31 of the Complaint.

*Response to Plaintiffs' Claims for Relief –
First Count – Fourth and Fourteenth Amendment Rights Violation*

- 32. Defendants incorporate by reference the foregoing paragraphs as if expressly and fully written here.
- 33. Defendants deny the allegations contained in Paragraph 33 of the Complaint.
- 34. Defendants deny the allegations contained in Paragraph 34 of the Complaint.

*Response to Plaintiffs' Claims for Relief –
Second Count – Fourth and Fourteenth Amendment Rights Violation*

- 35. Defendants incorporate by reference the foregoing paragraphs as if expressly and fully written here.
- 36. Defendants deny the allegations contained in Paragraph 36 of the Complaint.
- 37. Defendants deny the allegations contained in Paragraph 37 of the Complaint.

*Response to Plaintiffs' Claims for Relief –
Third Count – Gross Negligence*

- 38. Defendants incorporate by reference the foregoing paragraphs as if expressly and fully written here.
- 39. Defendants deny the allegations contained in Paragraph 39 of the Complaint.

*Response to Plaintiffs' Claims for Relief –
Third Count – Battery*

- 40. Defendants incorporate by reference the foregoing paragraphs as if expressly and fully written here.
- 41. Defendants deny the allegations contained in Paragraph 41 of the Complaint.

*Response to Plaintiffs' Claims for Relief –
Fourth Count – Malicious Prosecution*

- 42. Defendants incorporate by reference the foregoing paragraphs as if expressly and fully written here.
- 43. Defendants deny the allegations contained in Paragraph 37 of the Complaint.

GENERAL ADMISSIONS, DENIALS, & ASSERTIONS

44. Defendants deny each and every allegation made in Plaintiffs' Complaint that has not been specifically and unequivocally admitted in one or more of the foregoing paragraphs of this Answer.

AFFIRMATIVE DEFENSES

45. Plaintiffs fail to state any claims upon which relief can be granted.
46. Plaintiffs' claims are barred, in whole or in part, by the doctrine of qualified immunity.
47. At all relevant times, Defendants acted reasonably, in good faith, and not in violation of any clearly established federal, state, or local right created by any constitution, statute, rule, regulation, case law, or other legal authority.
48. Defendants are entitled to all applicable immunities, defenses, set-offs, and other limitations set forth in Chapter 2744 of the Ohio Revised Code.
49. Plaintiffs' claims are barred by Ohio Revised Code Section 2307.60 (B)(2).
50. Plaintiffs' claims and damages are barred, in whole or in part, by the superseding, intervening acts or omissions of others over whom Defendants have no control or authority and for whom Defendants are neither responsible nor liable.
51. Plaintiffs have failed to mitigate their alleged damages.
52. Plaintiffs are not entitled, or have no standing, to maintain the instant action as one for declaratory or prospective injunctive relief.
53. Defendants are not liable for punitive damages in their official capacities.
54. There is a misjoinder of the parties.
55. Defendants reserve the right to assert such additional defenses that may become apparent as investigation and discovery in this civil action proceeds.

WHEREFORE, Defendants respectfully request that Plaintiffs' Complaint be dismissed at Plaintiffs' cost and that Defendants be awarded their reasonable costs of this action, and such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Alexandra N. Pickerill

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on **May 25, 2022**, I electronically filed the foregoing with the Clerk of this Court by using the Court's CM/ECF System.

/s/ Alexandra N. Pickerill

Alexandra N. Pickerill (0096758)